

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

HERE COMES CHARLIE, LLC, a
New Mexico limited liability company,
MICHAEL FUHS, FRED ELKINS, and
JOHN KOSELSKI,

Plaintiffs,

vs.

Civ. No. 04-945 JH/RHS

CERTAIN UNDERWRITERS AT LLOYDS
OF LONDON, JONES BLOODSTOCK
INSURANCE AGENCY, LLP, and W.B.
JONES, Individually,

Defendants.

REPORT AND RECOMMENDATION

THIS MATTER came before the undersigned United States Magistrate Judge on the Order Imposing Sanctions and Referring to Magistrate Judge [docket no. 42] which directed that a hearing be conducted to determine the reasonable attorneys fees incurred by Defendants in preparing for the settlement conference, moving to have the settlement conference vacated, and attending the show cause hearing. This hearing was set for May 25, 2006, at 2:00 p.m. Before going on to the record, the undersigned asked counsel to meet and confer in an attempt to reach an agreement as to the award of attorneys fees. After conferring, counsel reported that they had reached a stipulation under which Plaintiffs will pay to Defendants the sum of \$1,000.00 within five days of the date of the hearing in full satisfaction of the sanction imposed by the Court. I

have prepared a form of Order and submit it simultaneously herewith with the recommendation that the stipulation of the parties be approved.

Robert Hayes Scott

ROBERT HAYES SCOTT

UNITED STATES MAGISTRATE JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

HERE COMES CHARLIE, LLC, a
New Mexico limited liability company,
MICHAEL FUHS, FRED ELKINS, and
JOHN KOSELSKI,

Plaintiffs,

vs.

Civ. No. 04-945 JH/RHS

CERTAIN UNDERWRITERS AT LLOYDS
OF LONDON, JONES BLOODSTOCK
INSURANCE AGENCY, LLP, and W.B.
JONES, Individually,

Defendants.

ORDER SETTING SANCTIONS

THIS MATTER having come before the Court on the Order Imposing Sanctions and Referring to Magistrate Judge [docket no. 42] and the Court having set an evidentiary hearing for May 25, 2006, at 2:00 p.m. and being advised prior to the hearing that the parties have reached an agreement and stipulation relative to reasonable sanctions, the Court finds as follows:

1. The Court has jurisdiction over the subject matter and parties hereto.
2. The parties have met and conferred relative to the subject of reasonable attorneys fees incurred by Defendants in preparation for the settlement conference, moving to have the settlement conference vacated and attending the show cause hearing as well as any other amounts Judge Scott may find to be reasonable under the totality of the circumstances.
3. Prior to the hearing of May 25, 2006, at 2:00 p.m., counsel for the parties advised the Court that they had reached stipulations which required Plaintiffs to pay the sum of \$1,000.00 as

reasonable attorneys fees within five days of the May 25th hearing. This sum represents a full and complete sanction for acts described and set forth in the Court's Order Imposing Sanctions [docket no. 42].

4. The Court finds that the stipulation of the parties is fair and reasonable under the totality of the circumstances and should be approved.

IT IS THEREFORE ORDERED that Plaintiffs pay to Defendants the sum of \$1,000.00 on or before May 30, 2006, as full and complete satisfaction of sanctions referenced in the Order Imposing Sanctions [docket no. 42] previously entered by the Court. The Court reserves jurisdiction to enforce this stipulation or impose further sanctions as may be appropriate in the event that Plaintiffs fail and/or refuse to tender payment in full as they have agreed of \$1,000.00 on or before May 30, 2006.

JUDITH C. HERRERA
UNITED STATES DISTRICT JUDGE